TOWN COUNCIL
MEETING MINUTES
June 7, 2011

The Town Council met in regular session on Tuesday, June 7, 2011 at 7:00 P.M. at 372 Town Place, Fairview, Texas. Those present were Mayor Sim Israeloff, Council Members Carolyn Sommers Erickson, Ron Kasian, Jim Cunningham, Henry Lessner, Darion Culbertson, and Mary Price. Town Manager John Godwin; Planning Director, Alan Efrussy; Town Engineer, James Chancellor; Community Development Manager, Ray Dunlap; Budget and Management Analyst, Adam Wilbourn; Town Secretary, Michelle Lewis Sirianni, and Town Attorney, Clark McCoy.

Mayor Israeloff called the meeting to order at 7:00 p.m., declared a quorum was present, and requested everyone to stand for the Pledge of Allegiance.

MAYOR PRO TEM: Select a mayor pro tempore for 2011-12.

Councilwoman Sommers Erickson made a motion to nominate Ron Kasian. Seconded by councilwoman Price, with all in favor. Councilman Kasian abstained.

FIRE DEPT. PRESENTATION: Life-saving presentation by the fire department.

Chief Price presented awards to the outstanding EMS and Fire Department personnel who responded to a call which resulted in saving a life.

CONSENT AGENDA: All items listed under the Consent Agenda are considered routine and will be acted on by one motion, with no separate discussion of these items. If discussion is desired, an item may be removed from the consent agenda and considered separately. A) Approve minutes of the May 3, 2011 regular council meeting. B) Approve minutes of the May 25, 2011 special council meeting. C) Approve OnCor's rate case settlement. D) Authorize purchase of replacement brush truck.

Councilwoman Price requested to pull item B. Councilman Culbertson requested to pull item D.

Councilman Kasian made a motion to approve items A and C. Seconded by Councilman Lessner, with all in favor.
Councilman Lessner made a motion to approve item B. Seconded by Councilman Cunningham, with all in favor. Councilwoman Price and Sommers Erickson abstained from the vote since they were not at this meeting.

Councilman Culbertson asked in regards to item D if there are any budget implications and/or concerns regarding the grant stipulation. Mr. Godwin responded that the truck is being paid primarily by the grant and the excess will come from surplus revenues. Chief Price made a presentation regarding the brush truck replacement. Councilman Cunningham commented that he appreciates the time chief has put into researching the truck as well as the cost savings on the truck they will receive.

Councilwoman Sommers Erickson made a motion to approve item D. Seconded by Councilman Cunningham, with all in favor.

OCTOBER EVENTS: Discussion regarding upcoming October events in Fairview.

Mr. Dunlap introduced this item stating that the town would like to expand the month of October with events. Mr. Dunlap stated that last year they held the first Texas/OU weekend in the Village at Fairview and that the town would like to do the same again this year by adding a chili cook-off, which will be activity driven as well as including a full day of radio broadcast. Also, in October will be the 2nd annual ACO fun run/walk event. Mr. Dunlap stated that since last year was a success and great turn out, they'd like to add a 10K run in addition to the 5K run and 1K walk. After this event, the town will hold its second annual veteran's event. Mr. Dunlap stated that since most entities hold their veteran's events in November, the town would like to change it this year and hold the event after the run fun in hopes to draw in more people and make it a bigger celebration and remembrance with static displays and a parade.

Stacey Cooper, director Allen Community Outreach (ACO), briefly described routes that they would like to use for the 5K and 10K run and how they will have police presence and also volunteers at the intersections to assist in the event. Ms. Cooper stated that they are looking to briefly shut down Highway 5 just for when runners are crossing at the beginning and end of the race. Ms. Cooper stated that in talks with the town's police chief, this will only be for a minimum time frame and would require permits from TXDOT. Ms. Cooper stated that since brochures will be printed that they would like to ensure that council is okay with plans for the event.

Councilwoman Price asked if the veteran's event starts right after the run and if the parade will go through the Village at Fairview and if having a parade for the veterans event will be too close to the holiday parade. Mr. Dunlap responded that MG Herring has proposed to have the holiday parade in November in the evening and therefore, the veterans parade will be more geared towards honoring vets. Councilwoman Sommers Erickson agreed with Councilwoman Price and also doesn't want one parade to suffer over the other. Mr. Dunlap responded that the town will be handling the veteran's parade

and the Herring Group will be handling the holiday parade. Councilwoman Sommers Erickson asked if there will be a way to know the participants for the holiday parade. Mr. Dunlap responded that he will keep council informed. Mayor Israeloff commented that usually neighborhoods are a point of interest for fun run/walks and would like ACO to keep that in mind with formulating their routes through Fairview.

SPEED LIMITS ON EAST STACY ROAD: Discuss and take possible action regarding speed limit on East Stacy Road.

Mr. Godwin introduced this item stating that the current speed limit on East Stacy Road is 45 mph. Mr. Godwin stated that due to the number of driveways and increasing traffic, the police chief believes the speed limit is too high and is suggesting a lower speed of 35 or 40 mph. Mr. Godwin stated that he received seven emails from residents that reflected that three persons were in favor of 45 mph, three persons were in favor of 35 mph and one person was in favor of 40 mph.

Mayor Israeloff opened discussion to the public. Dave Roberts, Heritage Ranch resident, stated that his initial reaction to the speed limit was negative, but now due to a better road, he struggles to see that a lower speed is necessary.

Task Bailey, 371 Southern Hills Drive, stated that in his opinion, the old speed limit was hazardous and recommends 40 mph since people will drive over the speed limit anyway, but doesn't see it necessary to go lower than 40 mph.

Dick Crane, 930 Quarry Oaks, stated that he sees no reason to lower the speed limit and believes it should stay at 45 mph.

Chad Jones, Kentucky Lane, stated that in his opinion, 45 mph is a little too fast especially if children are present.

Mayor Israeloff turned the discussion back to council. Councilwoman Price asked if any other agencies can ticket on Stacy Road. Chief Tolliver responded that other agencies can ticket and he'd like to see 40 mph over 45 mph since people will naturally go faster than posted speed limit.

Councilman Cunningham stated that he intentionally drove the road at 35, 40 and 45 mph and thought 45 mph was fine. Councilman Cunningham also talked to Fairview Farms residents to receive feedback.

Councilman Culbertson stated that he also drove all three and was okay at 45 mph.

Councilwoman Sommers Erickson stated that she is used to 45 mph and most residents who live out that way know how and when to slow down and doesn't see a need to reduce the speed limit.

Mayor Pro Tem Kasian stated that 45 mph makes sense.

Consensus of the council was to keep the speed limit at 45 mph.

REPLAT WOODS OF ASCOT HEATH SUBDIVISION: Conduct a public hearing and take action regarding a residential replat of the Woods of Ascot Heath subdivision, to change one lot to three lots, generally located south of the City of McKinney, north of Country Club Road (FM 1378) and east of the Fairview Meadows subdivision, and west of the Ascot Heath subdivision.

Mr. Efrussy introduced this item stating that in 1987 the Final Plat was formally filed for this subdivision, which consisted of 12 lots one acre or more in size. Mr. Efrussy stated in 1998 an amended plat was approved where lots 8, 9, 10, and 11 were turned into one lot (9R). Mr. Efrussy stated that currently the purpose of this replat is to change this one lot back into three lots. Mr. Efrussy stated that a public hearing was held before the Planning and Zoning Commission, whom unanimously recommended approval. Mr. Efrussy stated that this subdivision meets all requirements and therefore town staff recommends approval.

Mayor Israeloff asked if there were any lot size changes or are they basically turning it back into original plat. Mr. Efrussy responded that there are no lot size changes.

Mayor Israeloff opened the public hearing. Scott Norris stated that he represents the property owner and will be happy to answer any questions the council may have.

Mayor Israeloff closed the public hearing and opened discussion to council. No comments were made.

Councilwoman Price made a motion to approve the residential replat of the Woods of Ascot Heath subdivision, to change one lot to three lots. Seconded by Councilman Cunningham, with all in favor.

ANNEXATION 11.05± ACRES LOVEJOY ISD BLDG: Conduct a public hearing regarding the annexation of property commonly known as the Lovejoy Independent School District administration building property, consisting of 11.05± acres, and generally located south of Stacy Road, west of and adjacent to Country Club Road (FM 1378), east of Mossbrook Lane, and north of Teasbend Lane.

Mr. Wilbourn introduced this item stating that on May 3, 2011, two public hearings were conducted regarding the annexation. Mr. Wilbourn stated that these public hearings fulfilled part of the legal requirements of annexing this subject property. Mr. Wilbourn stated annexing this subject property will fulfill the time constraints put forth in the ILA with the City of Allen and therefore, staff recommends approval.

Councilman Lessner made a motion to approve the annexation of property commonly known as the Lovejoy ISD and administration building. Seconded by Mayor Pro Tem Kasian, with all in favor.

ZONING 11.05± ACRES LOVEJOY ISD BLDG: Conduct a public hearing and take action regarding the zoning of property to the Planned Center (PC) Zone, for an area of property commonly known as the Lovejoy Independent School District administration building property, consisting of 11.05± acres, and generally located south of Stacy Road, west of and adjacent to Country Club Road (FM 1378), east of Mossbrook Lane, and north of Teasbend Lane.

Mr. Wilbourn introduced this item stated that the town feels that the Planned Center Zone (PC) is the most effective for the existing as well as future uses on this property. Mr. Wilbourn stated that at the March 10, 2011 Planning and Zoning meeting, the commissioners unanimously recommended approval; therefore, town staff recommends approval.

Mayor Israeloff opened the public hearing. No comments were made.

Mayor Israeloff closed the public hearing and opened discussion to council. Councilwoman Sommers Erickson asked what other zoning would work on this property and can they do anything additional on the property. Mr. Wilbourn responded that based on the fact there is a school and administration building, along with future proposed offices, the Planned Center zoning is the best suited and no other zoning districts would accommodate this use.

Councilwoman Sommers Erickson made a motion to approve the zoning of property to the Planned Center (PC) Zone, for an area of property commonly known as the Lovejoy Independent School District administration building property. Seconded by Councilman Lessner, with all in favor.

WEST SIDE WATER TOWER: Discuss possible painting of the old west side water tower.

Mr. Dunlap introduced this item stating that Splitsville is proposing artwork for the water tower. Mr. Dunlap stated that Splitsville will pay to have it painted and will meet with MG Herring Group to work out any issues.

Scott Wilkinson, owner, stated that they have designed signage for the water tower that will display names of anchor stores including Macy's and Whole Food's with the town's logo being at the top. Mr. Wilkinson stated that he would like the opportunity to refurbish

the tower. Mr. Wilkinson stated that they believe it will help improve visibility of shops and bring in more business.

Councilman Culbertson asked if they have enough interested parties to participate. Councilwoman Sommers Erickson asked if there are restrictions on how many businesses can be listed on the tower and if the lights adhere to the lighting ordinance. Mr. Wilkinson stated that they do have enough interested parties and the lights will be shielded and shining upward, which would be in compliance with the town's ordinance.

Councilman Lessner asked if there has been any thought to what will be at ground level and who will maintain the area. Matt Gallo, Development Manager for MG Herring stated that they will have continued discussions with Mr. Wilkinson to ensure the tower is done properly.

Mayor Israeloff commented on the design by stating that in his opinion, the town's logo should be the largest and would prefer to see something more subdued with uniformity. Councilman Kasian stated that he'd like to see a limitation put on it. Councilman Lessner stated that he'd rather see the tower torn down. Councilman Cunningham asked if it would benefit to have additional signage on US 75. Councilwoman Sommers Erickson agreed with Councilman Cunningham in regards to pursuing a marquee sign on US 75 and would also like to see a more subdued design that is not too busy.

Council agreed to let Mr. Wilkinson bring back another proposal when ready.

EMERGENCY MEDICAL SERVICE: Discuss Emergency Medical Services.

Chief Price introduced this item stating that the current contract is with AMR, with which the town is in the first year of a five year contract. Chief Price indicated that AMR handles all billing services, collects all patient transport fees upon which the town receives no share of collected amounts, but they do supply all maintenance on existing vehicle. Chief Price stated that personnel issues are dealt with by AMR management and there is separate medical control. Chief Price stated that they struggle with personnel turnover due to lack of familiarity with town and pay is less. Chief Price stated that he'd like to start in house EMS transport which would allow the town to use dispatching from Wylie and in turn would need to hire additional staff along with the purchase of an ambulance. Chief Price stated he'd be happy to bring back financial information to the council if directed to proceed.

Mr. Godwin commented that money is an issue. Mr. Godwin noted that they can let it affect the tax rate or can wait. Mr. Godwin stated the town needs to do it, but not sure can do it right now.

Mayor Israeloff commented that he believes it's a timing issue. Councilwoman Sommers Erickson agreed with the mayor and stated that it may be better to wait a few years since she'd hate to ask for a tax increase. Mayor Pro Tem Kasian asked if the Chief could do a

comparison of models. Chief Price commented that he has done the comparison. Councilman Culbertson asked if there are additional liabilities doing this in-house. Mr. Godwin responded that there is always a liability, but the town would be covered. Mayor Israeloff suggested rolling this over into next budget year being the 2012-2013 year.

TXDOT: Discussion with local TXDOT representative.

Mr. Godwin introduced this item stating that Mr. John Hudspeth, the Assistant Engineer, was invited to address any questions and/or concerns.

Mr. Barry Herd, Design Engineer, attended in his place. Mr. Herd stated that he'd like to give council an outline of projected time frame for projects within and/or around the Fairview area. Mr. Herd stated that the first project includes the Highway 5 underpass that has a projected start date of June 2012 and will take a projected six months to complete. Mr. Herd stated that since this area has a drainage/maintenance issue, there will be temporary road closures for this project. Another project includes FM 2786 project that will be approximately a two year project and start in the fall of 2012.

Council addressed Mr. Herd regarding concerns of these projects, as well as, others addressed by the town engineer that was given to TXDOT in January 2011. Mr. Herd responded that he will address their concerns as best as he can and include copies of any information via email to the town engineer regarding projects with Fairview. Mr. McCoy asked Mr. Herd about the 58,420 lb. vehicle weight limit that TXDOT has place on Stacy Road in Fairview and the general purpose of such weight limits. Mr. Herd indicated that the limit is intended to protect against overweight vehicles from damaging bridges and road surfaces not designed for such overweight loads. Mayor Israeloff confirmed with Mr. Herd that such limits were intended to protect street surfaces.

WEIGHT LIMITS TO TRUCKS ON EAST STACY ROAD: Consider and amendment to Ordinance 2011-5-11B setting weight limits on the eastern section of Stacy Road.

Mr. Godwin introduced this item stating that amendment would provide for a permit that would allow a single heavy concrete truck or perhaps a small group of trucks working at a construction site to apply for a temporary permit that would allow them to carry on with their business. Mr. Godwin stated that Mr. McCoy, town attorney has drafted an ordinance amendment describing the process by which a request for a permit shall be granted or denied by the town.

Councilwoman Price asked if the trucks would be allowed within a subdivision if there was a project occurring or could the town place a provision within the ordinance for a limited time project. Mr. McCoy responded that there is no current provision allowing trucks within a subdivision. Mr. McCoy stated that the way the ordinance currently reads

is that the driver would be issued permits for singular trips rather than an open ended permit. Councilman Cunningham asked how the drivers would be expected to know about the permit, and how can the town enforce it. Mr. McCoy stated that persons living in or having dealings in the Town are on constructive notice of all of its ordinances.

Councilwoman Sommers Erickson made a motion to approve an amendment to Ordinance 2011-5-11B setting weight limits on the eastern section of Stacy Road. Seconded by Councilwoman Price. Motion passes with a 6-1 vote.

BOARDS/COMMISSIONS: Consider the appointment of individuals to serve on various boards and commissions.

Councilman Cunningham made a motion to nominate Debbie Flood to the Planning and Zoning Commission. Seconded by Councilman Culbertson, with all in favor.

METHOD OF APPOINTMENT: Discuss the method for appointment of chairpersons on boards and commissions.

This item was passed over.

TERM LIMITS: Discuss term limits on boards/commissions.

This item was passed over.

COMMUNITY DEVELOPMENT ANNUAL REPORT: Receive Community Development Annual Report.

This item was passed over.

BUDGET 2011-12: Discuss budget calendar for 2011-12.

Mr. Godwin requested council to check dates listed on the handout for the upcoming budget calendar and let him or the town secretary know of any conflicts.

MCKINNEY ISD ELEMENTARY SCHOOL: Discuss the possible need for a local McKinney ISD elementary school.

Councilwoman Price introduced this item by stating that part of the town is served by McKinney ISD and the town receives taxes from the ISD as well as the commercial district. Councilwoman Price stated that many children are currently being bused down 121 since there is no elementary school serving the town. Councilwoman Price stated that she would like to encourage and see the McKinney ISD consider the town for a school.

Councilman Lessner stated that last June the McKinney ISD noted that the town was second in line for a school and that he has been part of conversations and that the McKinney ISD board is aware that the town would love to have a school within town limits. Councilwoman Price stated that the town needs to encourage residents to attend the McKinney ISD meetings in hopes this will help acknowledge the interest further. Councilwoman Sommers Erickson commented that if a school is built, the need to ensure that the kids will go to that school since many are being transported to different schools within McKinney.

CITIZENS INPUT:

Chris Fry, 420 Horseshoe Trail, stated that he has been a resident for six years and informed council that his children are bused out daily to attend school and is not uncommon for them to spend a minimum of an hour a day on the bus. Mr. Fry stated that he'd like to see a McKinney ISD school in the town even though he knows his children love the schools they currently attend.

REPORTS FROM STAFF/TOWN COUNCIL: Receive reports from Staff or the Town Council about items of community interest.

No reports were given.

Mayor Israeloff adjourned the meeting at 11:02 p.m.

Sim Israeloff

SIM ISRAELOFF, MAYOR

ATTEST:

Michelle Lewis Sirianni

Michelle Lewis Sirianni, Town Secretary